

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
TRENTON DIVISION**

**TARA KING, ED.D.**, individually and on behalf of her patients, **RONALD NEWMAN, PH.D.**, individually and on behalf of his patients, **NATIONAL ASSOCIATION FOR RESEARCH AND THERAPY OF HOMOSEXUALITY (NARTH)**, **AMERICAN ASSOCIATION OF CHRISTIAN COUNSELORS (AACC)**,

Plaintiffs,

v.

Case No. 13-cv-5308

**CHRISTOPHER J. CHRISTIE**, Governor of the State of New Jersey, in his official capacity, **ERIC T. KANEFSKY**, Director of the New Jersey Department of Law and Public Safety: Division of Consumer Affairs, in his official capacity, **MILAGROS COLLAZO**, Executive Director of the New Jersey Board of Marriage and Family Therapy Examiners, in her official capacity, **J. MICHAEL WALKER**, Executive Director of the New Jersey Board of Psychological Examiners, in his official capacity; **PAUL JORDAN**, President of the New Jersey State Board of Medical Examiners, in his official capacity,

Defendants.

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**PLAINTIFFS' RESPONSE TO THE STATE DEFENDANTS' STATEMENT OF  
MATERIAL FACTS**

Plaintiffs, by and through counsel and pursuant to Fed. R. Civ. P. 56 and L.Civ.R. 56.1 submits this response to the State Defendants' Statement of Material Facts in Support of their Cross-Motion for Summary Judgment.

1. Plaintiffs admit that Governor Christie signed Assembly Bill A3371 on August 19, 2013. Plaintiffs object to Defendants' characterization of the Act and state that the Act speaks for itself.

2. Plaintiffs admit that A3371 has two sections. Plaintiffs object to Defendants' characterization of the Act and state that the Act speaks for itself.

3. Plaintiffs admit that Section 1 of A3371 contains findings. Plaintiffs object to Defendants' characterization of those findings and their selected quotations therefrom, and state that the Act speaks for itself.

4. Objection. Plaintiffs object to Defendants' characterization of the findings, and state that the Act speaks for itself.

5. Objection. Plaintiffs object to Defendants' characterization of the findings, and state that the Act speaks for itself.

6. Plaintiffs admit that the Legislature cited the APA Task Force Report. Both the Report and the Legislature's Findings are as stated in the text of A3371, and Plaintiffs object to Defendant's characterization of them. The Act and the Report speak for themselves.

7. Objection. Plaintiffs object to Defendants' selective quotation from the Task Force Report, and state that the Report speaks for itself.

8. Plaintiffs admit that the Legislature's Findings are as stated in the text of A3371, and object to Defendant's selective quotations therefrom. The Act speaks for itself.

9. Plaintiffs admit that the Legislature's Findings are as stated in the text of A3371, and object to Defendant's selective quotations therefrom. The Act speaks for itself.

10. Objection. Defendants' citation to Dr. Drescher's Declaration provides n support for the assertion that the Legislature "focused particularly on the potential harm to minors." In fact, the APA Task Force Report, on which the Legislature chiefly relied, stated that "[t]here is a lack of

published research on SOCE among children,” Task Force Report at 72, and that the Task Force “found **no** empirical research on adolescents who request SOCE.” *Id.* at 73 (emphasis added). Indeed, “sexual orientation issues in children are virtually unexamined.” *Id.* at 91. Plaintiffs further object to the testimony of Dr. Drescher on the grounds that his assertions consist in broad conclusory statements unsupported by facts, they are speculative (“Children **may** be particularly vulnerable to statements that ‘God will not love them’ if they are gay,” “SOCE . . . **may**, in fact, be harmful”), and they are irrelevant to the facts presented in this case (citing one study purporting to show that “family rejection is strongly associated with poor mental health outcomes,” when there has been no suggestion that Plaintiffs or their clients encourage or have experienced family rejection).

11. Plaintiffs object to the allegations in paragraph 11 on the grounds that it mischaracterizes the findings of the Legislature, is speculative and consists in gross and inadmissible generalizations untethered to any facts before the Court (“efforts to change sexual orientation **may** encourage family rejection . . . .”), “In SOCE approaches, simplistic representations of complex issues are often presented to clients”, “parental consent is often based primarily upon their desire to change their child’s sexual orientation rather than on sorting out the science and pseudoscience of human sexuality”), and the testimony of Dr. Drescher is conclusory, admittedly lacking in factual or scientific basis (“In spite of the lack of scientific studies, . . . .”), contains inadmissible legal conclusions (minors “don’t have the legal capacity for informed consent”), and Dr. Drescher’s claims appear to address practices not before this Court (e.g., his claim of “simplistic representations” by some counselors is flatly contradicted by the testimony of Plaintiffs concerning their detailed informed consent procedures (e.g., Decl. of Dr. Newman at ¶11; Decl. of Dr. Nicolosi at ¶¶7-9).

12. Objection. Defendants' allegations in paragraph 12 are nonsensical and should be stricken as incoherent. Plaintiffs also object insofar as Defendants purport to characterize the contents of A3371; the Act speaks for itself.

13. Objection. The Act speaks for itself. Plaintiffs object to the use of selected quotations therefrom.

14. Admitted.

15. Admitted.

16. Admitted.

Respectfully submitted,

/s/ Demetrios Stratis

Demetrios Stratis  
New Jersey Bar No. 022391991  
Mathew D. Staver\*  
Stephen M. Crampton\*  
Daniel J. Schmid\*  
Liberty Counsel  
Attorneys for Plaintiffs  
P.O. Box 11108  
Lynchburg, VA 24502  
Tel. 434-592-7000  
Fax: 434-592-7700  
court@LC.org

\* Admitted Pro Hac Vice

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was filed electronically with the court on September 20, 2013. Service will be effectuated by the Court's electronic notification system upon all counsel of record.

/s/ Demetrios Stratis  
Demetrios Stratis  
New Jersey Bar No. 022391991  
Mathew D. Staver\*  
Stephen M. Crampton\*  
Daniel J. Schmid\*  
Liberty Counsel  
Attorneys for Plaintiffs  
P.O. Box 11108  
Lynchburg, VA 24502  
Tel. 434-592-7000  
Fax: 434-592-7700  
court@LC.org

\*Admitted Pro Hac Vice

*Attorneys for Plaintiffs*